

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RACHELL SHEREE ABBOTT,

Defendant.

CR-21-58-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 28, 2024. (Doc. 160.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 29, 2025. (Doc. 155.) The United States accused Rachell Sheree Abbott (Abbott) of violating the

conditions of her supervised release by: (1) having a urinalysis test taken on March 25, 2025, test positive for methamphetamine on March 28, 2025; (2) failing to comply with substance abuse testing requirements by submitting abnormal urine specimens on February 18, 2025, February 25, 2025 and March 18, 2025; (3) failing to answer truthfully questions asked by her probation officer on April 5, 2025; (4) communicating or interacting with a prohibited person without the permission of her probation office on April 5, 2025; (5) being in possession of a methamphetamine on April 5, 2025; and (6) committing other state crime by being charged on April 5, 2025 with Criminal Possession of Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-9-102. (Doc. 132.)

At the revocation hearing, Abbott admitted that she had violated the conditions of her supervised release by: by: (1) having a urinalysis test taken on March 25, 2025, test positive for methamphetamine on March 28, 2025; (3) failing to answer truthfully questions asked by her probation officer on April 5, 2025; and (4) communicating or interacting with a prohibited person without the permission of her probation office on April 5, 2025. The Government moved to dismiss allegations 2, 5, and 6, which the Court granted. (Doc. 155.)

Judge Johnston found that the violations Abbott admitted proves to be serious and warrants revocation, and recommended that Abbott receive a custodial sentence of 12 months and 1 day with 12 months of supervised released to follow on count 3 and no supervised release to follow on count 17.

(Doc. 160.) The Court advised Abbot of her right to appeal and to allocute before the undersigned, she waived those rights. (155.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 160) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Rachel Sheree Abbott be sentenced to 12 months and 1 day with 12 months of supervised released to follow on count 3 and no supervised release to follow on count 17.

DATED this 30th day of April 2025.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court